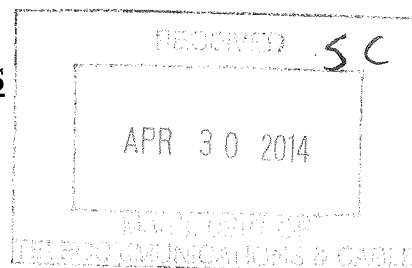


April 29, 2014

Paul C. Besozzi
202-457-5292
pbsozzi@pattonboggs.com

BY ELECTRONIC FILING AND FEDERAL EXPRESS

Ms. Catrice C. Williams
Secretary
Department of Telecommunications and Cable
1000 Washington Street, 8th Floor, Suite 820
Boston, MA 02118



Re: Petition of Recipients of Collect Calls from Prisoners at Correctional Institutions in Massachusetts Seeking Relief from the Unjust and Unreasonable Cost of such Calls – D.T.C. 11-16 – Responses And Objections Of Securus Technologies, Inc. To Petitioners' First Set Of Requests For Production Of Documents

Dear Ms. Williams:

In accordance with the Procedural Order, dated February 27, 2014, as amended by the Order On Motion For Extension Of Time, dated April 18, 2014 (collectively "Order"), enclosed for filing is an original of the Responses And Objections Of Securus Technologies, Inc. To Petitioners' First Set Of Requests For Production Of Documents ("Document Response").

Per Section II.A. of the Order, the Document Response is being electronically filed with the original and requisite copies prescribed by Section II.A.3. of the Order being sent by overnight delivery.

An extra copy of this transmittal letter is enclosed to be stamped-in or otherwise marked as received and returned in the enclosed envelope.

Sincerely yours,

Paul C. Besozzi

cc: Service List for D.T.C. 11-16

**Before The
THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

Petition of Recipients of Collect Calls
from Prisoners at Correctional Institutions
in Massachusetts Seeking Relief from the Unjust
and Unreasonable Cost of such Calls

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) **D.T.C. 11-16**
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**RESPONSES AND OBJECTIONS OF SECURUS TECHNOLOGIES, INC. TO
PETITIONERS' FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**

In accordance with the Procedural Order, dated February 27, 2014 as amended by the Order On Motion For Extension Of Time, dated April 18, 2014,¹ Securus Technologies, Inc. ("Securus" or "Company"), acting through undersigned counsel, does hereby provide the Company's responses and objections to the Petitioners' First Set Of Requests For Production Of Documents, dated March 10, 2014.

Respectfully submitted,

SECURUS TECHNOLOGIES, INC.

By 

Paul C. Besozzi
Patton Boggs LLP
2550 M Street NW
Washington DC 20037
202-457-5292

Dated: April 29, 2014

¹ D.T.C. 11-16, *Petition of Recipients of Collect Calls from Prisoners at Correctional Institutions in Massachusetts Seeking Relief from the Unjust and Unreasonable Cost of such Calls*, Procedural Order, February 27, 2014, as amended by the Order On Motion For Extension Of Time, dated April 18, 2014 (collectively, *Procedural Order*).

GENERAL OBJECTIONS

Securus raises the following general objections to the Petitioners' First Set of Requests For Production Of Documents ("Requests") and incorporates such general objections into each specific response provided by Securus.

1. Securus objects to the Requests to the extent they seek information that is not relevant to the subject matter of this investigation or is not reasonably calculated to lead to the discovery of admissible evidence. The Department of Telecommunications and Cable ("Department" of "DTC") expressly and exclusively limited the issues in this investigation to (a) the per-call surcharge, (b) tariffed services and other fees of ICS providers, (c) the frequency of dropped calls, (d) the quality of connected ICS calls, and (e) the billing practices of GTL and Securus.² The *Interlocutory Order* specifically dismissed (and thereby expressly excluded from this investigation) the Petitioners' requests to investigate the usage rate component of the rate-setting mechanism for ICS, the frequency and content of recorded warning messages, and the availability and upkeep of telecommunications equipment at correctional facilities.³ Therefore, any request for information related to the excluded issues or otherwise outside the limited scope of this investigation is inappropriate. In this regard, Securus includes in this category information relating to Securus's activities outside the Commonwealth of Massachusetts or relating to interstate ICS.

2. Securus objects to the Requests to the extent they request information on costs that are covered by the per-call surcharge because the Department in the *Interlocutory Order*,

² D.T.C. 11-16, *Petition of Recipients of Collect Calls from Prisoners at Correctional Institutions in Massachusetts Seeking Relief from the Unjust and Unreasonable Cost of Such Calls*, Hearing Officer Interlocutory Ruling (Sept. 23, 2013), *aff'd* by, Order on Appeal of Hearing Officer's Ruling (Feb. 26, 2014), at p. 33. ("*Interlocutory Order*").

³ *Id.*

and previously in the *1998 Order* establishing the per-call surcharge,⁴ acknowledged (1) that the surcharge is not directly related to such costs and (2) that ICS providers are not required to itemize their costs in order for the DTC to set a reasonable surcharge.

The *Interlocutory Order* acknowledges the “unique additional costs associated with” ICS, which are above and beyond the “traditional cost recovery” addressed by usage rates. Recognition of these “unique” additional costs was the basis for establishing the current, approved per-call surcharge.⁵

Further, the *Interlocutory Order* rejects the Petitioner’s arguments that the per-call surcharge should be determined under “rate of return regulation” concepts because “the rate-setting mechanism adopted for ICS in the *1998 Order* is an *incentive regulatory scheme*.”⁶ Under such a scheme, “any definition of reasonable compensation ... must be broad enough to allow a utility that is achieving above-average efficiencies to earn more than has been defined as a ‘fair return’ under [rate of return] regulation.’...The Department designed the surcharge to allow ICS providers recovery of legitimate additional costs associated with ICS and to encourage ICS providers to improve productivity and reduce costs through advances in technology similar to the benefit a service provider may receive in a competitive marketplace.”⁷ Thus, the *Interlocutory Order* states “[w]hether an ICS provider treats those extra earnings as profit, or

⁴ D.P.U./D.T.E. 97-88/97-18 (Phase II), *Investigation by the Department of Telecommunications and Energy on Its Own Motion regarding (1) Implementation of Section 276 of the Telecommunications Act of 1996 relative to Public Interest Payphones, (2) Entry and Exit Barriers for the Payphone Marketplace, (3) New England Telephone and Telegraph Company d/b/a NYNEX’s Public Access Smart-Pay Line Service, and (4) the Rate Policy for Operator Services Providers*, Order on Payphone Barriers to Entry and Exit, and OSP Rate Cap, at p. 10 (Apr. 17, 1998) (“*1998 Order*”).

⁵ *1998 Order*, at p.9.

⁶ *Interlocutory Order*, at p. 23.

⁷ *Id.*, at pp. 23-24.

utilizes them to improve its bidding position to provide ICS through offering lower rates or more generous commissions to a correctional facility, is at the discretion of the provider.”⁸

In setting the surcharge in the *1998 Order*, the DTC’s predecessor held that it could “reasonably rely on the costs of these carriers [in 33 other states] as a proxy for the costs of inmate callings services providers in Massachusetts.”⁹ As part of the incentive regulatory scheme there was no requirement for ICS providers in Massachusetts to submit detailed ICS cost analyses in order for the DTC to set a reasonable per-call surcharge.¹⁰ In this regard the Department was consistent with the application of an alternative to “traditional cost of service ratemaking standards [that] would require the Department to review the reasonableness of expenses, rate base and rate of return.”¹¹

3. Securus also objects to all Requests relating to the amount or reasonableness of site commissions that might be paid to the organizations or agencies administering the confinement facilities because the DTC has no jurisdiction over such commissions, which are set by those facilities or as otherwise authorized by laws, regulations, or governmental agencies other than the Department, and therefore are outside the scope of this investigation.¹²

⁸ *Id.*, at p. 24.

⁹ *1998 Order*, at pp. 9- 10.

¹⁰ See, e.g., D.P.U. 94-50, *NYNEX Price Cap* (May 12, 1995) (finding “one of the primary benefits of price cap regulation is that it renders unnecessary certain regulatory reviews, such as cost allocation and prudence inquiries, that have been fundamental to [rate of return] regulation”); D.P.U. 93-98, *Regulatory Treatment of Telecommunications Common Carriers* (May 11, 1994) (“current market forces, statutory requirements, and the Department’s tariff regulations, notice requirements, and consumer complaint resolution process, are sufficient to ensure not only that rates are just and reasonable but that there is adequate consumer protection for interexchange, competitive access, and [alternative operator services], absent the regulation of entry into these markets”); D.P.U. 94-184, *IntraLATA and Local Exchange Competition* (Aug. 29, 1996) (stating that competitors “may file tariff revisions for existing and new service offerings with minimal cost-support documentation”).

¹¹ *International Telecharge, Inc.*, D.P.U. 97-72/88-72, 97 PUR4th 349, 356 (1988).

¹² See *Breest v. Dubois*, No. 94-1665H, 1997 WL 449898 (Mass. Super. 1997) (holding that the Department of Corrections has the authority to enter into contracts requiring commissions on inmate calls because the DOC is

4. Securus objects to the Requests to the extent they seek to apply discovery requirements and burdens beyond those prescribed by the applicable Department Rules (i.e., 220 CMR 1.00), the *Procedural Order* issued in this investigation or other applicable law or regulation. Specifically in this regard, Securus objects to Petitioners' attempt to incorporate Superior Court Standing Order 1-09 in its Definitions and Instructions to the extent such incorporation conflicts with, or attempts to expand or modify, the obligations and procedures set forth in 220 CMR 1.00 or the *Procedural Order*.

5. Securus objects to the Requests on the grounds that they are vague, ambiguous, overbroad, unduly burdensome, or similarly inappropriate.

6. Securus objects to Petitioners attempt to incorporate by reference the Definitions set forth in Petitioners' First Set of Interrogatories as those definitions are vague, ambiguous, overbroad, unduly burdensome, or similarly inappropriate.

7. Securus objects to the definition of "Securus" and "you" and "your" set forth in Petitioners' First Set of Interrogatories as vague, ambiguous, overbroad, and unduly burdensome, and specifically objects to the definition to the extent it attempts to include insurers, assigns, successors, executors, firms, trustees, receivers, custodians, contractors, subcontractors, and shareholders.

8. Securus objects to the definition of "consumer" set forth in Petitioners' First Set of Interrogatories as vague, ambiguous, overbroad, and unduly burdensome and specifically objects to the definition to the extent it purports to include any individual or entity that does not have a contractual relationship with Securus.

responsible for making and entering into any contracts and agreements necessary for the performance of its duties, which includes maintaining security, safety and order at all state correctional facilities).

9. Securus objects to the definition of “calendar year” set forth in Petitioners’ First Set of Interrogatories as vague, ambiguous, overbroad and unduly burdensome and when referring to 2014, shall respond as if that term were defined as January 1, 2014 to March 10, 2014.

10. Securus objects to the Requests that do not contain a time limitation, and unless otherwise indicated shall respond to all Requests for the time period January 1, 2011 to March 10, 2014.

11. Securus objects to the Requests to the extent they call for documents containing confidential information, including, but not limited to, proprietary, trade secret and/or commercially and competitively sensitive business information, including, but not limited to, non-public financial and internal corporate communications.

12. Securus objects to the Requests to the extent that the burden or expense of the proposed discovery outweighs its likely benefit, considering the needs of the investigation, the amount in controversy, the parties’ resources, the importance of the issue or issues to which the Requests are directed and the importance of discovery in resolving such issue or issues.

13. Securus objects to the Requests to the extent that they require reference to information not within Securus’s possession, custody, or control.

14. Securus objects to the Requests on the ground that they seek the production of documents that are publicly available or seek information that is presently known or equally accessible to Petitioners.

15. Securus objects to the Requests to the extent that they seek documents and information protected from disclosure by any applicable privilege, including the attorney-client privilege, the common interest privilege or joint defense privilege, the attorney work-product

doctrine or any other applicable privilege, protection, or immunity that makes such information non-discoverable. To the extent that the Requests seek such privileged or protected information, Securus hereby claims such privilege(s) and invokes such protection(s). Any documents or information disclosed in response to the Requests shall be disclosed without waiving, but on the contrary, preserving and intending to preserve, each of these privileges and protections. Any inadvertent disclosure of privileged or protected information or documents shall not be deemed a waiver of the applicable privilege(s) or protection(s), and any such document and all copies and images thereof shall be returned to Securus upon demand and/or upon discovery of the inadvertent production, whichever occurs first.

16. Securus objects to the Requests to the extent that they require that documents be identified or described and reserves the right instead to produce such documents, if any, either in response to a Request or as kept in the ordinary course of its business.

17. In responding to these Requests, Securus neither waives, nor intends to waive, but rather preserves and intends to preserve:

- a. All objections as to the relevancy, materiality, admissibility, vagueness, ambiguity, or other infirmity in the form of the Requests and any objections based on the undue burden imposed by any of the Requests;
- b. All rights to object on any ground to the use of the answers, or their subject matter, in this investigation or any other action;
- c. All rights to object on any ground to any further Requests or other discovery requests involving or related to the subject matter of the Requests; and;
- d. Any and all privileges and rights under any applicable law.

18. These responses are based upon information now known to Securus. Securus reserves the right to amend and/or supplement these Responses and Objections at any time.

19. Nothing in these responses shall be construed as constituting or implying an admission of any allegation or agreement with any assertion or characterization in the Requests.

20. In addition to the foregoing general objections, Securus sets forth specific objections to the individual Requests where appropriate, including objections that are not generally applicable to each of the Requests. By setting forth such specific objections, Securus does not intend to limit or restrict the General Objections set forth above. To the extent that Securus responds to specific Requests, Securus is not waiving its stated objections by providing such response. As previously noted, the foregoing General Objections are incorporated in full into each of the specific responses set forth below.

PREPARED TO CONFER

Counsel for Securus is prepared to confer in good faith with counsel for Petitioners regarding Securus responses to Petitioners' Requests.

**Before The
COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

D.T.C. 11-16

**Responses And Objections Of Securus Technologies, Inc.: Petitioners' First Set Of
Requests For Production Of Documents**

Respondent: Curtis J. Hopfinger

Title: Director – Government and Regulatory Affairs

REQUESTER: Petitioners

DATED: March 10, 2014

ITEM: PETITIONERS' DOCUMENT REQUEST NO. 1 - Any and all documents identified in Petitioners' First Set of Interrogatories.

REPLY – Securus repeats and incorporates its General Objections, and specifically General Objections Nos. 1, 2, 3, 5, 11 and 14. More specifically, Securus objects to the provision of any documents identified in Petitioners First Set Of Interrogatories that are neither relevant to the limited issues involved in this investigation nor reasonably calculated to lead to the discovery of admissible evidence because they are outside the scope of the limited issues involved in this investigation, including any documents relating matters to other than the specific issues approved by the *Interlocutory Order*. This includes, among others, documents relating to commission payments or detailed cost analyses or information. Securus further specifically objects to producing copies of any contracts or related amendments with the facilities Securus is currently serving as identified in response to Interrogatory No. 1 of Petitioner's First Set Of Interrogatories. As provided in the *Interlocutory Order* this investigation is expressly limited to the issues of (a) the per-call surcharge assessed by ICS providers (b) the tariffed service and other fees assessed by ICS providers, the frequency of dropped calls, the quality of connected ICS calls and the billing practices of Securus and GTL. *Interlocutory Order*, at p. 33. These agreements do not contain information pertaining to these four issues.

Securus further objects to this Request on the grounds that it is vague, ambiguous, overly broad and burdensome and seeks the provision of confidential, competitively sensitive, proprietary financial or other internal business information. Finally, Securus further objects to the extent that the Request seeks documents that are publicly available.

**Before The
COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

D.T.C. 11-16

**Responses And Objections Of Securus Technologies, Inc.: Petitioners' First Set Of
Requests For Production Of Documents**

Respondent: Curtis J. Hopfinger

Title: Director – Government and Regulatory Affairs

REQUESTER: Petitioners

DATED: March 10, 2014

ITEM: PETITIONERS' DOCUMENT REQUEST NO. 2 - To the extent that any formal documentation was created in connection to the complaints listed in Interrogatory 16 please provide a copy of that documentation.

REPLY: Securus repeats and incorporates its General Objections, and specifically General Objections Nos. 1, 5, 11 and 13. More Specifically, Securus objects to the foregoing request on the grounds that it is ambiguous because Petitioners do not define "formal documentation" and do not specify who has created the "formal documentation." Securus further objects to the foregoing interrogatory on the grounds that it seeks information neither relevant to the limited issues involved in this investigation nor reasonably calculated to lead to the discovery of admissible evidence because it is outside the scope of the limited issues involved in this investigation, specifically as it relates to broken telephone sets and matters unrelated to "billing practices. Securus further objects on the grounds that the written responses contain customer proprietary network information protected by and subject to the restrictions of 47 U.S.C. §222.

Without waving any of the foregoing objections, Securus notes that the complaints listed as Friends and Family ("F&F") in its response to Interrogatory No. 16 do not have written responses as these complaints were received and resolved by telephone with Securus' Corporate Escalations Department. Securus provides copies of the written responses filed in connection with each of the other complaints, redacted to comply with the requirements of 47 U.S.C. §222.

**Before The
COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

D.T.C. 11-16

**Responses And Objections Of Securus Technologies, Inc.: Petitioners' First Set Of
Requests For Production Of Documents**

Respondent: Curtis J. Hopfinger

Title: Director – Government and Regulatory Affairs

REQUESTER: Petitioners

DATED: March 10, 2014

ITEM: PETITIONERS' DOCUMENT REQUEST NO. 3 - Any and all documents that define your current corporate and security quality goals.

REPLY: Securus repeats and incorporates its General Objections, and specifically General Objections Nos. 1, 5, 7, and 11. More specifically, Securus objects to the foregoing request on the grounds that it is overly broad, unduly burdensome, and ambiguous. Securus further objects on the grounds that it seeks information neither relevant to the limited issues involved in this investigation nor reasonably calculated to lead to the discovery of admissible evidence because it is outside the scope of the limited issues involved in this investigation, which do not include Securus corporate and security quality goals. Finally, Securus further objects on the grounds that it seeks confidential, competitively sensitive, proprietary financial or other internal business information.

**Before The
COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

D.T.C. 11-16

**Responses And Objections Of Securus Technologies, Inc.: Petitioners' First Set Of
Requests For Production Of Documents**

Respondent: Curtis J. Hopfinger

Title: Director – Government and Regulatory Affairs

REQUESTER: Petitioners

DATED: March 10, 2014

ITEM: PETITIONERS' DOCUMENT REQUEST NO. 4 - Any and all documents concerning policies regarding the provision of inmate calling services including issues such as quality, security, network outages, pricing, and dropped calls.

REPLY: Securus repeats and incorporates its General Objections, and specifically General Objections Nos. 1, 5, and 11. More specifically, Securus objects to the foregoing request on the grounds that it is overly broad, unduly burdensome, and ambiguous. Securus further objects on the grounds that it seeks information neither relevant to the limited issues involved in this investigation nor reasonably calculated to lead to the discovery of admissible evidence because it is outside the scope of the limited issues involved in this investigation, which do not include security, network outages, and general pricing, and seeks information unrelated to the Commonwealth of Massachusetts. Finally, Securus further objects on the grounds that it seeks confidential, competitively sensitive, proprietary financial or other internal business information.

**Before The
COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

D.T.C. 11-16

**Responses And Objections Of Securus Technologies, Inc.: Petitioners' First Set Of
Requests For Production Of Documents**

Respondent: Curtis J. Hopfinger

Title: Director – Government and Regulatory Affairs

REQUESTER: Petitioners

DATED: March 10, 2014

ITEM: PETITIONERS' DOCUMENT REQUEST NO. 5 – Any and all documents concerning the amount of revenues and expenses incurred in relation to each year of each contract identified in response to Interrogatory No. 1. Such documentation would include financial statements, budget performance reports, management report, and any documentation in relation to the payment of site commissions.

REPLY: Securus repeats and incorporates its General Objections, and specifically General Objections Nos. 1, 2, 3, 5 and 11. More specifically, Securus objects to the foregoing request as overly broad and unduly burdensome. Securus further objects to the foregoing request on the grounds that it seeks information neither relevant to the limited issues involved in this investigation nor reasonably calculated to lead to the discovery of admissible evidence because it is outside the scope of the limited issues involved in this investigation, which do not include detailed costs and site commission payments, which payments are not within the jurisdiction of the Department. Finally, Securus further objects on the grounds that it seeks confidential, competitively sensitive, proprietary financial or other internal business information.

**Before The
COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

D.T.C. 11-16

**Responses And Objections Of Securus Technologies, Inc.: Petitioners' First Set Of
Requests For Production Of Documents**

Respondent: Curtis J. Hopfinger

Title: Director – Government and Regulatory Affairs

REQUESTER: Petitioners

DATED: March 10, 2014

ITEM: PETITIONERS' DOCUMENT REQUEST NO. 6 – Any document listing or describing the costs associated with providing ICS to Massachusetts consumers.

REPLY: Securus repeats and incorporates its General Objections, and specifically General Objections Nos. 1, 2, 5, and 11. More specifically, Securus objects to the foregoing request on the grounds that it is overly broad and unduly burdensome. Securus further objects to the foregoing interrogatory on the grounds that it seeks information neither relevant to the limited issues involved in this investigation nor reasonably calculated to lead to the discovery of admissible evidence because it is outside the scope of the limited issues involved in this proceeding, specifically because it seeks detailed cost information. Finally, Securus further objects on the grounds that it seeks confidential, competitively sensitive, proprietary financial or other internal business information.

Without waiving any of the foregoing objections, Securus refers to the documents, already filed in this investigation, referred to in Securus' response to Interrogatory No. 6.

**Before The
COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

D.T.C. 11-16

**Responses And Objections Of Securus Technologies, Inc.: Petitioners' First Set Of
Requests For Production Of Documents**

Respondent: Curtis J. Hopfinger

Title: Director – Government and Regulatory Affairs

REQUESTER: Petitioners

DATED: March 10, 2014

ITEM: PETITIONERS' DOCUMENT REQUEST NO. 7 – Any document (a) identifying or describing fees charged by your company to consumers of inmate calling services in Massachusetts for establishing, using, maintaining or closing a pre-paid account, (b) listing amounts collected for any such fee or (c) referencing the disposition of such fees once they have been collected.

REPLY: Securus repeats and incorporates its General Objections, and specifically General Objections Nos. 1, 5, 11, and 14. More specifically, Securus objects to the foregoing document request on the grounds that it is overly broad, unduly burdensome, and requests information that is publicly available. Securus further objects to the foregoing request on the grounds that it seeks information neither relevant to the subject matter in this investigation nor reasonably calculated to lead to the discovery of admissible evidence because it is outside the scope of this proceeding, especially as it relates to the amounts collected and disposition of such fees. Finally, Securus further objects on the grounds that it seeks confidential, competitively sensitive, proprietary financial or other internal business information.

Without waiving any of the foregoing objections, with respect to the fees charged for establishing, using, maintaining, or closing a pre-paid account, Securus refers Petitioners to its response to Interrogatory No. 13 and its separately provided Massachusetts-approved tariff at Sections 5 and 6.

**Before The
COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

D.T.C. 11-16

**Responses And Objections Of Securus Technologies, Inc.: Petitioners' First Set Of
Requests For Production Of Documents**

Respondent: Curtis J. Hopfinger

Title: Director – Government and Regulatory Affairs

REQUESTER: Petitioners

DATED: March 10, 2014

ITEM: PETITIONERS' DOCUMENT REQUEST NO. 8 – Any and all documents prepared for upper management or a member or members of the Board of Directors that discusses directly or indirectly the performance of your provision of inmate services in Massachusetts. Please include any and all reports that compare such performance with that of your company's provision of inmate services in other states.

REPLY: Securus repeats and incorporates its General Objections, and specifically General Objections Nos. 1, 5, 11, and 15. Securus objects to the foregoing request on the grounds that it is overly broad, unduly burdensome and ambiguous. Securus further objects on the grounds that it seeks information neither relevant to the limited issues involved in this investigation nor reasonably calculated to lead to the discovery of admissible evidence because it is outside the scope of the limited issues involved in this proceeding, which do not include information relating to Securus provision of ICS outside the Commonwealth of Massachusetts and on an interstate basis. Finally, Securus further objects on the grounds that it seeks confidential, competitively sensitive, proprietary financial or other internal business information and privileged information.

**Before The
COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

D.T.C. 11-16

**Responses And Objections Of Securus Technologies, Inc.: Petitioners' First Set Of
Requests For Production Of Documents**

Respondent: Curtis J. Hopfinger

Title: Director – Government and Regulatory Affairs

REQUESTER: Petitioners

DATED: March 10, 2014

ITEM: PETITIONERS' DOCUMENT REQUEST NO. 9 – Any and all documentation that shows the overall profitability of your operations in Massachusetts for 2011, 2012, 2013 and for 2014.

REPLY: Securus repeats and incorporates its General Objections, and specifically General Objections Nos. 1, 5, and 11. More specifically, Securus objects to the foregoing request on the grounds that it is overly broad, unduly burdensome and ambiguous. Securus further objects on the grounds that it seeks information neither relevant to the limited issues involved in this investigation nor reasonably calculated to lead to the discovery of admissible evidence because it is outside the scope of the limited issues involved in this investigation, which do not include Securus' overall profitability in Massachusetts or elsewhere. Finally, Securus further objects on the grounds that it seeks confidential, competitively sensitive, proprietary financial or other internal business information.

**Before The
COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

D.T.C. 11-16

**Responses And Objections Of Securus Technologies, Inc.: Petitioners' First Set Of
Requests For Production Of Documents**

Respondent: Curtis J. Hopfinger

Title: Director – Government and Regulatory Affairs

REQUESTER: Petitioners

DATED: March 10, 2014

ITEM: PETITIONERS' DOCUMENT REQUEST NO. 10 - Any and all documentation comparing the total amounts of commissions that were paid in Massachusetts in 2011, 2012, 2013 and in 2014.

REPLY: Securus repeats and incorporates its General Objections, and specifically General Objections Nos. 1, 3, 5, and 11. More specifically, Securus objects to the foregoing request on the grounds that it is overly broad and unduly burdensome. Securus further objects to the foregoing interrogatory on the grounds that it seeks information neither relevant to the limited issues involved in this investigation nor reasonably calculated to lead to the discovery of admissible evidence because it is outside the scope of the limited issues involved in this proceeding, which do not include site commission payments, which payments are outside the jurisdiction of the Department. Finally, Securus further objects on the grounds that it seeks confidential, competitively sensitive, proprietary financial or other internal business information.

**Before The
COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

D.T.C. 11-16

**Responses And Objections Of Securus Technologies, Inc.: Petitioners' First Set Of
Requests For Production Of Documents**

Respondent: Curtis J. Hopfinger

Title: Director – Government and Regulatory Affairs

REQUESTER: Petitioners

DATED: March 10, 2014

ITEM: PETITIONERS' INTERRAGATORY NO. 11 - Any and all documents, reports or analyses that track quality performance by facility, region or state that would cover Massachusetts for the years 2011, 2012, 2013, and 2014. These documents might track things like trouble reports, quantities of dropped calls, network outages, and other related quality assurance issues you might measure or track.

REPLY: Securus repeats and incorporates its General Objections, and specifically General Objections Nos. 1 and 5. More specifically, Securus objects to the foregoing request on the grounds that it is overly broad, unduly burdensome and ambiguous. Securus further objects on the grounds that it seeks information neither relevant to the limited issues involved in this investigation nor reasonably calculated to lead to the discovery of admissible evidence because it is outside the scope of the limited issues involved in this investigation, specifically seeking information far beyond the limited quality of service matters at issue in this investigation and includes information unrelated to the Commonwealth of Massachusetts.

**Before The
COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

D.T.C. 11-16

**Responses And Objections Of Securus Technologies, Inc.: Petitioners' First Set Of
Requests For Production Of Documents**

Respondent: Curtis J. Hopfinger

Title: Director – Government and Regulatory Affairs

REQUESTER: Petitioners

DATED: March 10, 2014

ITEM: PETITIONERS' DOCUMENT REQUEST NO. 12 - If you pay sales commissions or other incentives to employees based upon getting new jails and prisons as customers or for renewing and extending existing contracts, please provide any and all documents concerning performance goals and standards that are used to define how sales commissions are earned.

REPLY: Securus repeats and incorporates its General Objections, and specifically General Objections Nos. 1, 5, and 11. More specifically, Securus objects to the foregoing request on the grounds that it is overly broad and unduly burdensome. Securus further objects on the grounds that it seeks information neither relevant to the limited issues involved in this investigation nor reasonably calculated to lead to the discovery of admissible evidence because it is outside the scope of the limited issues involved in this proceeding, which do not include compensation or performance standards applicable to Securus' employees. Finally, Securus further objects on the grounds that it seeks confidential, competitively sensitive, proprietary financial or other internal business information.

**Before The
COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

D.T.C. 11-16

**Responses And Objections Of Securus Technologies, Inc.: Petitioners' First Set Of
Requests For Production Of Documents**

Respondent: Curtis J. Hopfinger

Title: Director – Government and Regulatory Affairs

REQUESTER: Petitioners

DATED: March 10, 2014

ITEM: PETITIONERS' DOCUMENT REQUEST NO. 13 – Any and all documents including cost studies, budget analysis or management reports that calculate your cost of and/or revenue derived from providing calling services in Massachusetts from 2011 to the present.

REPLY: Securus repeats and incorporates its General Objections, and specifically General Objections Nos. 1, 2, 5, and 11. More specifically, Securus objects to the foregoing request on the grounds that the request is overly broad and unduly burdensome. Securus further objects on the grounds that the request seeks information neither relevant to the limited issues involved in this investigation nor reasonably calculated to lead to the discovery of admissible evidence because it is outside the scope of the limited issues involved in this investigation, including detailed cost and budget information. Finally, Securus further objects on the grounds that it seeks confidential, competitively sensitive, proprietary financial or other internal business information.

**Before The
COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

D.T.C. 11-16

**Responses And Objections Of Securus Technologies, Inc.: Petitioners' First Set Of
Requests For Production Of Documents**

Respondent: Curtis J. Hopfinger

Title: Director – Government and Regulatory Affairs

REQUESTER: Petitioners

DATED: March 10, 2014

ITEM: PETITIONERS' DOCUMENT REQUEST NO. 14 - Any and all documents including cost studies, budget analysis or management reports relating to the years 2011 to the present that concern segregating your costs in Massachusetts between the call set up function that is recovered by the surcharge and the costs that are recovered by any per minute or other charges.

REPLY: Securus repeats and incorporates its General Objections, and specifically General Objections Nos. 1, 3, 5, and 11. More specifically, Securus objects to the foregoing request on the grounds that it is overly broad and unduly burdensome. Securus further objects on the grounds that the request seeks information neither relevant to the limited issues involved in this investigation nor reasonably calculated to lead to the discovery of admissible evidence because it is outside the scope of the limited issues involved in this investigation, including detailed cost information and such information as it relates to usage. Finally, Securus further objects on the grounds that it seeks confidential, competitively sensitive, proprietary financial or other internal business information.

**Before The
COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

D.T.C. 11-16

**Responses And Objections Of Securus Technologies, Inc.: Petitioners' First Set Of
Requests For Production Of Documents**

Respondent: Curtis J. Hopfinger

Title: Director – Government and Regulatory Affairs

REQUESTER: Petitioners

DATED: March 10, 2014

ITEM: PETITIONERS' DOCUMENT REQUEST NO. 15 - Any and all documents including reports that show completed and billed minutes by facility that would cover Massachusetts for the fiscal years of 2011, 2012, 2013 and 2014.

REPLY: Securus repeats and incorporates its General Objections, and specifically General Objections Nos. 1, 5, and 11. More specifically, Securus objects to the foregoing document request on the grounds that it is overly broad, unduly burdensome and is ambiguous in that it does not define "fiscal year." Securus further objects on the grounds that the request seeks information neither relevant to the limited issues involved in this investigation nor reasonably calculated to lead to the discovery of admissible evidence because it is outside the scope of the limited issues involved in this proceeding, specifically in that seeks usage-related information. Finally, Securus further objects on the grounds that it seeks confidential, competitively sensitive, proprietary financial or other internal business information.

**Before The
COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

D.T.C. 11-16

**Responses And Objections Of Securus Technologies, Inc.: Petitioners' First Set Of
Requests For Production Of Documents**

Respondent: Curtis J. Hopfinger

Title: Director – Government and Regulatory Affairs

REQUESTER: Petitioners

DATED: March 10, 2014

ITEM: PETITIONERS' DOCUMENT REQUEST NO. 16 - A copy of your most recent tariff filing with the Massachusetts DTC. If this is available online please provide the web address instead.

REPLY: Securus separately provides a copy of its current Department-approved tariff.

**Before The
COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

D.T.C. 11-16

**Responses And Objections Of Securus Technologies, Inc.: Petitioners' First Set Of
Requests For Production Of Documents**

Respondent: Curtis J. Hopfinger

Title: Director – Government and Regulatory Affairs

REQUESTER: Petitioners

DATED: March 10, 2014

ITEM: PETITIONERS' DOCUMENT REQUEST NO. 17 - Any and all documented communications with Massachusetts governmental agencies and/or private contractors that manage or supervise prison facilities in Massachusetts concerning the provision of inmate calling services in the Massachusetts facilities listed in response to No.1.

REPLY: Securus repeats and incorporates its General Objections, and specifically General Objections Nos. 1, 5 and 11. More specifically, Securus objects to the foregoing document request on the grounds that it is overly broad and unduly burdensome. Securus further objects on the grounds that the request seeks information neither relevant to the limited issues involved in this investigation nor reasonably calculated to lead to the discovery of admissible evidence because it seeks communications that have nothing to do with the limited issues involved in the investigation. Finally, Securus further objects on the grounds that it seeks confidential, competitively sensitive, proprietary financial or other internal business information.

**Before The
COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

D.T.C. 11-16

**Responses And Objections Of Securus Technologies, Inc.: Petitioners' First Set Of
Requests For Production Of Documents**

Respondent: Curtis J. Hopfinger

Title: Director – Government and Regulatory Affairs

REQUESTER: Petitioners

DATED: March 10, 2014

ITEM: PETITIONERS' DOCUMENT REQUEST NO. 18 - Any and all documented communications concerning your lobbying activities or other governmental advocacy work related to your provision of inmate calling services for the years 2011, 2012, 2013 and 2014.

REPLY: Securus repeats and incorporates its General Objections, and specifically General Objections Nos. 1, 5, 11, and 15. More specifically, Securus objects to the foregoing request on the grounds that it is overly broad and unduly burdensome. Securus further objects on the grounds that it seeks information neither relevant to the limited issues involved in this investigation nor reasonably calculated to lead to the discovery of admissible evidence because it is outside the scope of the limited issues involved in this investigation, including seeking information unrelated to the Commonwealth of Massachusetts. Further, the request is ambiguous in that the request does not define "lobbying activities" or "governmental advocacy work." Finally, Securus further objects to the extent that any such communications include confidential, competitively sensitive, proprietary financial or other internal business information or privileged information.

**Before The
COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

D.T.C. 11-16

**Responses And Objections Of Securus Technologies, Inc.: Petitioners' First Set Of
Requests For Production Of Documents**

Respondent: Curtis J. Hopfinger

Title: Director – Government and Regulatory Affairs

REQUESTER: Petitioners

DATED: March 10, 2014

ITEM: PETITIONERS' DOCUMENT REQUEST NO. 19 - Any and all documents including contracts and addendums concerning agreements with entities that conduct billing services for your inmate calling operations in Massachusetts.

REPLY: Securus repeats and incorporates its General Objections, and specifically General Objections Nos. 1, 5, and 11. Securus objects to the foregoing request on the grounds that it is overly broad and unduly burdensome. Securus further objects on the grounds that the request seeks information neither relevant to the limited issues involved in this investigation nor reasonably calculated to lead to the discovery of admissible evidence because it is outside the scope of the limited issues involved in this investigation, in particular specifically these billing services are not regulated by the Department and the terms of Securus's arrangements with third parties who might bill for Securus are not an issue in this investigation. Finally, Securus further objects on the grounds that it seeks confidential, competitively sensitive, proprietary financial or other internal business information.

**Before The
COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

D.T.C. 11-16

**Responses And Objections Of Securus Technologies, Inc.: Petitioners' First Set Of
Requests For Production Of Documents**

Respondent: Curtis J. Hopfinger

Title: Director – Government and Regulatory Affairs

REQUESTER: Petitioners

DATED: March 10, 2014

ITEM: PETITIONERS' DOCUMENT REQUEST NO. 20 - Your promotional and marketing materials concerning any and all aspects of your provision of inmate calling services from 2011 to the present.

REPLY: Securus repeats and incorporates its General Objections, and specifically General Objections Nos. 1, 5, and 14. More specifically, Securus objects to the foregoing document request on the grounds that it is overly broad and unduly burdensome. Securus further objects on the grounds that it seeks information neither relevant to the limited issue involved in this investigation nor reasonably calculated to lead to the discovery of admissible evidence because it is outside the scope the limited issues involved in this investigation; Securus marketing and promotional activities are not the subject of this investigation and certainly not materials unrelated to Massachusetts. Securus further objects on the grounds that the information is publicly-available.

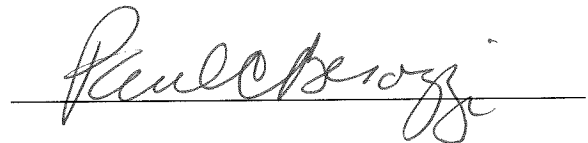
Without waiving the foregoing objection, Securus refers Petitioners to its web site at www.securustech.net, which is accessible in Massachusetts.

CERTIFICATE OF SERVICE

I, Paul C. Besozzi, hereby certify that on this 29th day of April, 2014, I did serve, by Federal Express or first class mail, postage prepaid or by electronic mail a copy of the foregoing "Responses And Objections of Securus Technologies, Inc. To Petitioners' First Set Of Requests For Production Of Documents" and related documents on the parties listed on the Service List below issued by the Department:

Kalun Lee Hearing Officer Department of Telecommunications and Cable 1000 Washington Street, 8th Floor, Suite 820 Boston MA 02118-6500 kalun.lee@state.ma.us Via Federal Express and Electronic Mail	Karlen Reed Director, Competition Division Department of Telecommunications and Cable 1000 Washington Street, 8th Floor, Suite 820 Boston MA 02118-6500 karlen.reed@state.ma.us Via Federal Express and Electronic Mail
Paul Abbott General Counsel Department of Telecommunications and Cable 1000 Washington Street, 8th Floor, Suite 820 Boston MA 02118-6500 paul.abbott@state.ma.us Via Federal Express and Electronic Mail	Joseph Tiernan Competition Division Department of Telecommunications and Cable 1000 Washington Street, 8th Floor, Suite 820 Boston MA 02118-6500 joseph.tiernan@state.ma.us Via Federal Express and Electronic Mail
James Pingeon, Esq. Bonita Tenneriello, Esq. Elizabeth Matos, Esq. Alphonse Kamanzi Prisoners' Legal Services, Inc. 10 Winthrop Square, 3rd Floor Boston, MA 02110 jpingeon@plsma.org btenneriello@plsma.org lmatos@plsma.org akamanzi@plsma.org Via Electronic and U.S. Mail	Patricia Garin, Esq. Stern, Shapiro, Weisberg & Garin 90 Canal St., 5th Floor Boston, MA 02114 pgarin@sswg.com Via Electronic and U.S. Mail

<p>Catrice C. Williams Secretary Department of Telecommunications and Cable 1000 Washington Street, 8th Floor, Suite 820 Boston MA 02118-6500 catrice.williams@state.ma.us dte.efiling@state.ma.us Via Federal Express and Electronic Mail</p>	<p>Ken Dawson VP Contracts & Regulatory Inmate Calling Solutions, LLC d/b/a ICSolutions 2200 Danbury St. San Antonio, TX 78217 kdawson@icsolutions.com Via Electronic and U.S. Mail</p>
<p>Curtis Hopfinger Director, Regulatory and Government Affairs Securus Technologies, Inc. 14651 Dallas Parkway, Ste. 600 Dallas, TX 75254 chopfinger@csecurstech.net Via Electronic and U.S. Mail</p>	<p>Chèrie Kiser Angela F. Collins Cahill Gordon & Reindel LLP 1990 K Street NW Suite 950 Washington DC 20006 ckiser@cgrdc.com acollins@cgrdc.com Via Electronic and U.S. Mail</p>



Paul C. Besozzi